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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,399	05/16/2001	David E. Reich	6169-234	2467

7590 03/31/2004

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EXAMINER

MCFADDEN, SUSAN IRIS

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 03/31/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/858,399

Applicant(s)

REICH, DAVID E.

Examiner

Susan McFadden

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☒ Claim(s) 1, 7, 12, and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the graphical format and words or characters recognized must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 1,7,12, and 18 are objected to because of the following informalities: there is no antecedent basis for "said user" and "said candidates". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1,2,6,11,12,13,17, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Hon et al. (6,571,210).

In regard to claims 1,2,6,11,12,13,17, and 22, Hon et al. show in Figure 1, a method, machine readable storage, and apparatus for performing speech recognition comprising: receiving user speech (item 2), determining a plurality of potential candidates, each candidate providing a textual interpretation of speech (which includes characters, item 12), calculating confidence scores and comparing to a minimum threshold (item 16) and presenting selected ones (which could be one word) to the user of the plurality of candidates as alternative interpretations of speech if none of the confidence scores is greater than a predetermined threshold (Fig. 10, item 228, Fig. 8C).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1- 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weintrab (5,842,163) in view of Waibel et al. (5,712,957).

In regard to claims 1,2,6,12,13, and 17, Weintrab shows in Figure 1, a method, machine readable storage, and apparatus for performing speech recognition

comprising: receiving user speech (input to item 14), determining a plurality of potential candidates, each candidate providing a textual interpretation of speech (which includes characters, item 12), calculating confidence scores and comparing to a minimum threshold (item 30, claim 1). Weintraub does not specifically show that selected ones of the plurality of candidates are presented to the user as alternative interpretations of speech if none of the confidence scores is greater than a predetermined threshold. Waibel et al. show a speech recognition system which determines confidence scores, shows a n-best list, and presents to the user selected ones of the plurality of candidates are presented to the user as alternative interpretations of speech if none of the confidence scores is greater than a predetermined threshold (Fig. 2). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add this feature because it allows the user to select the correct response and makes the system more accurate.

In regard to claims 3,5,14, and 16, Weintraub shows the system above but does not specifically show that the user specifies the correct recognition result of the plurality of candidates and presents this using an audio user interface. Waibel et al. show a speech recognition system that shows a plurality of candidates in which the correct one is specified by the user (col. 7, ln 6-18, Fig. 4) and respoken. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add this feature because it allows the user to select and verify the correct response and makes the system more accurate.

In regard to claims 4 and 15, Weintraub and Waibel et al. show the system discussed above. They do not specifically show that the results are presented in a

graphical format. The Examiner takes Official Notice that one of ordinary skill in the art would know how to show an n-best list of speech recognition candidates graphically. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add this feature because it makes the system more user-friendly.

In regard to claims 7-10 and 18-21, Weintraub shows in Figure 1, a method and apparatus for performing speech recognition comprising: receiving user speech (input to item 14), determining a plurality of potential candidates, each candidate providing a textual interpretation of speech (which includes characters, item 12), calculating confidence scores and comparing to a minimum threshold (item 30, claim 1) and identifying a selected group of the plurality of candidates (item 32). Weintraub does not specifically show that the user is queried to identify and select one candidate from the selected group as a correct recognition result if none of the confidence scores is greater than a predetermined threshold. Waibel et al. show a speech recognition system which determines confidence scores, shows a n-best list, and presents to the user a selected group in which the user can select the most correct result (Fig. 2, col. 7, ln 5-18). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add this feature because it allows the user to select the correct response and makes the system more accurate.

In regard to claims 11 and 22, Weintraub shows in Figure 1, a method and apparatus for performing speech recognition comprising: receiving user speech (input to item 14), determining a recognition result having corresponding confidence scores and comparing to a minimum threshold (item 30, claim 1). Weintraub does not specifically show

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if the confidence score is less than a minimum threshold, presenting a one word candidate as an alternative interpretation of speech. Waibel et al. show a speech recognition system which determines confidence scores, shows a n-best list, and presents to the user selected ones of the plurality of candidates (which could be a single word) are presented to the user as alternative interpretations of speech if none of the confidence scores is greater than a predetermined threshold (Fig. 2, col. 7-8).

Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add this feature because it allows the user to select the correct response and makes the system more accurate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan McFadden whose telephone number is 703-308-6693. The examiner can normally be reached on Monday-Friday, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Susan McFadden
Primary Examiner
Art Unit 2655

March 30, 2004